

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VA
RICHMOND DIVISION

IN RE:

TONISE RALPHEL FULLER, aka TONISE R.

WITCHER

Debtor(s)

U.S. BANK N.A., AS TRUSTEE FOR THE REGISTERED
HOLDERS OF MASTR ASSET BACKED SECURITIES TRUST
2006-AM3, MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2006-AM3

or present noteholder,
Movant/Secured Creditor,

BCN#: 08-35553\DOT
Chapter: 13

v.

TONISE RALPHEL FULLER, aka TONISE R.

CONSENT ORDER

WITCHER

Debtor(s)

And

CARL BATES

Trustee

Respondents

Whereas, the parties are in agreement;

IT IS ORDERED that the Automatic Stay of 11 U.S.C. §362(a) is DENIED PROVIDED THAT Debtor cures all post-petition arrearages in accordance with applicable state law and pursuant to the terms of the deed of trust securing the Movant as to the real property designated as 3112 RIVER BLUFFS COURT, Richmond, VA 23223.

IT IS FURTHER ORDERED that the Movant shall forbear from exercising any rights to foreclosure under applicable law as to the subject real property provided that, and so long as, the

Trenita Jackson-Stewart, VSB# 48412
Shapiro & Burson, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, VA 23462
757-687-8777
08-138607V

Debtor performs under the note and security instrument and complies with the following terms and conditions of this Order.

IT IS FURTHER ORDERED that the Debtor(s) shall cure post-petition arrears of \$4,648.67, that includes payments from February 1, 2009 to April 1, 2009 in the amount of \$1,279.43 each, late charges from February 15, 2009 through April 15, 2009 in the amount of \$53.46 each, attorney fees in the amount of \$500.00, filing fees in the amount of \$150.00.

IT IS FURTHER ORDERED AND AGREED that the Debtor(s) shall place arrears of \$4,648.67 into an amended plan to be filed within ten (10) days of entry of this order. Regular monthly payments are to resume with the payment due on May 1, 2009.

IT IS FURTHER ORDERED AND AGREED that the Movant, upon receipt of the aforesaid amended plan, shall be allowed to file an amended proof of claim reflecting both the pre-petition and post –petition arrears to be paid pursuant to this consent order.

IT IS FURTHER ORDERED AND AGREED that should the Debtor fail to timely file an amended plan allowing for the pre-petition and post-petition arrears as outlined in this order, or should any proposed amended plan fail to be confirmed, or should the Debtor default for a period of thirty days in making future monthly post-petition payments, commencing with the payment due May 1, 2009, or if any payments which have been acknowledged in the calculation of the mortgage arrears in this Order, but which subsequently are determined to be non-negotiable for any reason, the Movant may file with this Court and mail to the Debtor(s), the Debtor(s) attorney and the Chapter 13 Trustee a Notice of Default setting forth the amount and nature of the alleged default under the terms of this Order.

If the proposed plan fails to be confirmed, the Movant shall file a Notice of Request for Hearing to request that the Court issue an Order terminating the Automatic Stay of 11 U.S.C. §362(a) with respect to the Movant so as to permit the Movant to commence foreclosure proceedings in accordance with applicable state law and pursuant to the terms of the deed of trust securing the subject property.

If the Movant is not brought completely post petition current within 15 days of mailing of the Notice of Default pursuant to this Agreed Order or if no response is filed to said notice denying the default, specifically referencing the amounts paid by the Debtor(s) since the entry of the Order by check and money order number and requesting a hearing, upon filing of Notice of Secured Creditor's Right to Commence Foreclosure the Movant shall be free to proceed in accordance with State Law and its deed of trust to foreclose upon its security interest with regard to the property with an address of 3112 RIVER BLUFFS COURT, Richmond, VA 23223, and more particularly described in the Deed of Trust dated July 27, 2006 and recorded among the land records of the said city/county, as:

ALL THAT PARCEL OF LAND IN THE CITY OF RICHMOND, RICHMOND CITY COUNTY, COMMONWEALTH OF VIRGINIA, AS MORE FULLY DESCRIBED IN DEED BOOK 6984, PAGE 2672, ID# 806-735-3890, BEING KNOWN AND DESIGNATED AS LOT 9, BLOCK A, RIVER BLUFFS, FILED IN PLAT BOOK 91, PAGE 31-33, RECORDED MAY 7, 1990.

IT IS FURTHER ORDERED AND AGREED that acceptance of partial payment by the Movant during the cure period shall not constitute a satisfaction or waiver of the notice of default; the forbearance provisions of this Order shall terminate upon the expiration of the ten day period in the absence of complete cure notwithstanding partial payment.

IT IS FURTHER ORDERED AND AGREED that the Debtor's right to cure shall be limited to two (2) such opportunities and that upon the filing of a third Notice of Default under the terms of this Order, there shall be no further opportunity to cure and the Movant may proceed to foreclose its security interest in the subject real property as described above.

IT IS FURTHER ORDERED AND AGREED that should the instant case be converted for any reason to a case under any other chapter of the bankruptcy code, or dismissed or discharged, the Movant may immediately be free to exercise all rights provided by the security instrument as the forbearance provisions of this Order shall terminate upon conversion, dismissal or discharge. Relief granted under the terms of this Order shall also survive any subsequent conversion by the Debtor(s) to a case under any other chapter of the bankruptcy code.

IT IS FURTHER ORDERED AND AGREED that subsequent to any foreclosure sale of the subject property conducted by Movant, or its successors or assigns, the Secured Creditor may take all lawful actions to take possession of the Subject Property.

IT IS FURTHER ORDERED AND AGREED that upon filing of a third Notice of Default or Notice of Secured Creditor's Right to Commence Foreclosure, F.R.B.P. 4001(a)(3) is not applicable in this instant case and U.S. BANK N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF MASTR ASSET BACKED SECURITIES TRUST 2006-AM3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AM3 may immediately enforce the provisions of this Order.

IT IS FURTHER ORDERED AND AGREED that upon the filing of Notice of Secured Creditor's Right to Commence Foreclosure or a third Notice of Default, the Trustee will be relieved from the obligation of making any further payments upon any secured claim filed by U.S. BANK N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF MASTR ASSET BACKED SECURITIES TRUST 2006-AM3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AM3.

Date: _____

By the Court:

The Honorable Judge Douglas O. Tice
UNITED STATES BANKRUPTCY JUDGE

Notice of Judgment or
Order Entered on Docket: _____

I ask for this:

/s/ TRENITA JACKSON STEWART

Trenita Jackson Stewart, Counsel for Movant

Seen; Agreed:

/S/ JASON KRUMBEIN

JASON MEYER KRUMBEIN, Counsel for Debtor

I certify that this proposed Order has been endorsed by all necessary parties.

/S/ TRENITA JACKSON STEWART

TRENITASTEWART, Counsel for Movant

Copies of this order are to be sent to:

SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462

JASON MEYER KRUMBEIN
1650 WILLOW LAWN DR., STE. 300
RICHMOND, VA 23230

CARL M. BATES
P.O. BOX 1819
RICHMOND, VA 23218

TONISE RALPHEL FULLER

3112 RIVER BLUFFS COURT
Richmond, VA 23223